

1 use of force was justified.

2 Q. So unsubstantiated means justified in your
3 view; is that correct?

4 A. Yes.

5 Q. And then we have the second line is "Officer's
6 use of force against suspect was unnecessary or
7 unreasonably departed from the expectations of our
8 training."

9 And that was substantiated. Can you explain
10 what "substantiated" means?

11 A. That there was believed to be a -- what
12 happened was unnecessary. That Sergeant Bellavance
13 could have used some sort of de-escalation technique to
14 separate the parties rather than immediately forcing the
15 two people apart.

16 Q. And what de-escalation technique do you think
17 Sergeant Bellavance could have used?

18 A. He could have used a verbal command.

19 Q. Anything else?

20 A. That would be a start.

21 Q. You watched the video; correct?

22 A. I did.

23 Q. And when you watched the video, did you feel
24 that Officer Bellavance had an opportunity to use verbal

1 A. We went over the questions, and, specifically,
2 he said A or is that supposed to be an F if the account
3 has since been deleted? We talked briefly about that,
4 and that's when I left the room and he had a
5 conversation with his attorney.

6 Q. So I just want to go back up to the question.
7 Did Chief del Pozo ever ask you whether or not he should
8 have put -- he should put the WinkleWatchers account on
9 this answer?

10 A. I don't remember him asking me specifically
11 that question.

12 Q. Did you ever tell him that he should put that
13 account on this as an answer to this question?

14 A. I don't know if -- I don't remember having
15 that discussion. We did discuss the account, and that's
16 when I left the room. I think he knew where I was
17 headed, what I was thinking.

18 Q. What were you thinking?

19 A. The Question Number 6 wanted him to put
20 whatever, E or F or A or whatever the letter was, wanted
21 him to put any deleted accounts. And as far as I was
22 concerned, that that would be something that he should
23 list. And that's when he had the conversation with his
24 counsel.

1 MS. BLACKMAN: Object to the form of the
2 question.

3 You can answer again.

4 A. I don't know which attorney Chief del Pozo
5 spoke with.

6 Q. Now, I reviewed your deposition testimony with
7 my partner, Robb Spensley, and in there I believe you
8 testified that not only did Chief del Pozo have the
9 WinkleWatchers or WinkleWatch Twitter account, but he
10 had also used some of your social media accounts to post
11 comments; is that correct?

12 A. That's correct.

13 Q. Now, would it surprise you that
14 Chief del Pozo, when I deposed him, denied ever using
15 any of your social media accounts to post content?

16 MS. BLACKMAN: Object to the form of the
17 question.

18 You can answer.

19 A. I guess I don't know if he remembered doing
20 it.

21 Q. You said it happened more than once, didn't
22 you?

23 MS. BLACKMAN: Object to the form of the
24 question.

1 You can answer.

2 A. As I recall, I do remember him doing it more
3 than once.

4 Q. Would he come into your office and use your
5 cellphone?

6 A. Yes.

7 Q. Did you like that?

8 A. Not really, no.

9 Q. Did it make you feel uncomfortable?

10 A. Yes, it did.

11 Q. Now, in Question Number 6 there is a part of
12 this question on line 3 "or for which you have used
13 someone else's account to conduct activity for the last
14 two years."

15 Do you see that part the question, Jan?

16 A. Yes, I do.

17 Q. Now, when you guys were going over what the
18 response would be, was there any reference to the
19 Abby Sykes or Lori Spicer accounts that you have
20 admitted to creating?

21 A. No.

22 Q. You didn't mention that to him during your
23 conversation?

24 A. No. I don't remember what the date was that